

ORDINANCE NO. 16-2003

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 32, SECTION 32-71 OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK, PERTAINING TO WALLS AND FENCES TO ADD A REQUIREMENT THAT THEY BE CONSTRUCTED TO PRESENT THE FINISHED SIDE TO THE ADJOINING LOT OR RIGHT-OF-WAY; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, pursuant to Section 163.3202(2), Florida Statutes, municipalities are required to adopt specific and detailed land development regulations to implement their adopted comprehensive plans; and

**WHEREAS**, the objectives and policies of the Future Land Use Element of the Town's Comprehensive Plan, requires land development regulations be prepared to implement all provisions of the Comprehensive Plan; and

**WHEREAS**, the Town has previously adopted land development regulations in Chapter 32 of the Town Code to address the appearance and maintenance of the walls of fences in residential areas; and

**WHEREAS**, those standards require supplementation so that they may be effectively implemented, administered and enforced, and

**WHEREAS**, the Planning and Zoning Commission has reviewed the proposed amendments to Section 32-71 of the Town Code and has made its recommendations to the Town Commission; and

**WHEREAS**, the Town Commission, deems it to be in the best interest of the public to amend Section 32-71 of the Town Code to better implement and encourage the proper construction, erection, and display of walls and fences within the Town; to protect the

character of the neighborhoods of the Town; to preserve property values; and to clarify the Town's enforcement and implementation.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:**

**Section 1.** The whereas clauses are hereby incorporated as true and correct as the findings and fact and conclusions of law of the Town Commission.

**Section 2.** Chapter 32, Section 32-71 of the Town Code of Ordinances of the Town of Lake Park, Florida is hereby amended to read as follows:

Sec. 32-71 Maintenance.

(d) All walls and fences shall be erected or constructed to present, face, or display the finished side of the wall or fence to the adjoining or abutting lot or right-of-way. When the wall or fence is located in a manner where both sides of the wall or fence are visible from a right-of-way, both sides of the wall or fence shall be finished.

**Section 3. Severability.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 4. Repeal of Laws in Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 5. Codification.** The sections of the ordinance may be made a part of the Town Code of Laws and Ordinances and may be renumbered or relettered to

accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

**Section 6.** **Effective Date.** This ordinance shall take effect immediately upon adoption.

Upon First Reading this 19<sup>th</sup> day of November, 2003, the foregoing ORDINANCE was offered by Commissioner Balius who moved its approval. The motion was seconded by Commissioner Garretson, and being put to a vote, the result was as follows:

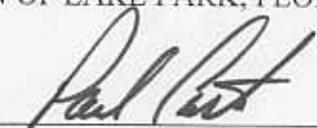
|                              | AYE | NAY |
|------------------------------|-----|-----|
| MAYOR PAUL CASTRO            | X   |     |
| VICE MAYOR CHUCK BALIUS      | X   |     |
| COMMISSIONER PAUL GARRETSON  | X   |     |
| COMMISSIONER JEANINE LONGTIN | X   |     |
| COMMISSIONER BILL OTTERSON   | X   |     |

Upon Second Reading this 3<sup>rd</sup> day of December, 2003, the foregoing ORDINANCE was offered by Commissioner Balius who moved its adoption. The motion was seconded by Commissioner Longtin, and being put to a vote, the result was as follows:

|                              | AYE | NAY |        |
|------------------------------|-----|-----|--------|
| MAYOR PAUL CASTRO            | X   |     |        |
| VICE MAYOR CHUCK BALIUS      | X   |     |        |
| COMMISSIONER PAUL GARRETSON  | X   |     |        |
| COMMISSIONER JEANINE LONGTIN | X   |     |        |
| COMMISSIONER BILL OTTERSON   |     |     | ABSENT |

The Mayor thereupon declared Ordinance No.16-2003 duly passed and adopted this 3<sup>rd</sup> day of December, 2003.

TOWN OF LAKE PARK, FLORIDA

BY: 

Mayor Paul Castro

ATTEST:

Approved as to form and legal sufficiency:



Carol Simpkins, Town Clerk  
(Town Seal)



Thomas J. Baird, Town Attorney

